

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

INNOVATIVE ACCOUNTING)	
SOLUTIONS, INC., a Michigan)	
Corporation, individually and as)	
the representative of a class of)	
similarly-situated persons,)	No. 1:15-cv-00793-PLM-PJG
)	
Plaintiff,)	Judge Paul L. Maloney
)	
v.)	M.J. Phillip J. Green
)	
CREDIT PROCESS ADVISORS,)	
INC.,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO AMEND THE CLASS DEFINITION

Plaintiff Innovative Accounting Solutions, Inc. (“Innovative”), hereby moves this Court for an order pursuant to Federal Rule of Civil Procedure 23 amending the definition of the class certified on March 26, 2020, to include all of the fax broadcasts sent by Defendants. In support of its motion, Plaintiff states as follows:

1. This lawsuit involves three mass fax broadcasts that took place on April 8-9, April 15-16, and April 23-24, 2015. Plaintiff received faxes in each of the three broadcasts.

2. On March 26, 2020, the Court entered an order certifying the following class:

All persons sent one or more telephone facsimile messages on April 23 or April 24, 2015 about a “Know Your Customer” seminar by Credit Process Advisors to be held on April 29, 2015, at Hawthorne Suites of Troy, Michigan. [ECF 84]

3. A class was certified only as to the April 23-24 broadcast because, at the time, that was the only transmission log Defendant had produced. ECF 83, 84.

4. Following the Court’s decision on class certification, Defendants produced two additional fax logs. ECF 85-1, 85-2. The additional fax logs show transmissions—largely to the same recipients as the April 23 and 24 broadcast—on April 8-9 and April 15-16, 2015, respectively. *Id.*

5. Based on these additional transmission logs produced after the Court’s certification decision, Plaintiff seeks to amend the class definition as follows:

All persons sent one or more telephone facsimile messages on **April 8, April 9, April 15, April 16**, April 23 or April 24, 2015 about a “Know Your Customer” seminar by Credit Process Advisors to be held on April 29, 2015, at Hawthorne Suites of Troy, Michigan. (emphasis added).

6. Such an amendment is warranted to include all identified fax recipients for the reasons discussed in the Court's class certification decision. ECF 83 at 10-12. It will not prejudice any party.

7. Counsel for Defendant Account Adjustment Bureau was provided a copy of this motion but has not indicated whether or not that defendant opposes the motion as of the time of filing.¹

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that the Court amend the class definition to include fax transmissions sent on April 8, 9, 15, and 16, 2015, and for such further relief as the Court deems appropriate.

Dated: April 30, 2020

Respectfully submitted,

*Innovative Accounting Solutions,
Inc., on behalf of itself and a class of
similarly-situated persons*

By: s/ Phillip A. Bock
One of their attorneys

¹ Defendant Credit Process Advisors is currently unrepresented.

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2021, I caused the foregoing to be filed using the Court's CM/ECF System which will send notification of such filing to all counsel of record.

s/ Phillip A. Bock